

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 295 – SB 305**

March 23, 2009

**SUMMARY OF BILL:** Deletes provisions of the Tennessee Voter Confidence Act to remove the requirement that county election commissions must purchase voting systems on or before the November 2010 general election that are precinct-based optical scanner voting systems only; removes the mandatory hand count audits of paper ballots created by such machines.

**ESTIMATED FISCAL IMPACT:**

**Other Fiscal Impact – Prevents the expenditure of Federal HAVA (Help America Vote Act) funds of \$25,000,000 which were to be used to purchase county voting systems that provided voter-verified paper ballots of the voter's vote as required by the Tennessee Voter Confidence Act.**

**Local Expenditures – Cost Avoidance – Exceeds \$11,000,000/  
Every Two Years**

**Assumptions:**

- The Tennessee Voter Confidence Act of 2007 (Public Chapter 1108) required any voting system purchased or leased with federal, state or local funds after January 1, 2009, to provide the ballot of record to be a paper ballot marked by the voter (optical scan).
- The county election commissions were authorized by the Act to expedite the replacement or modification of any systems not in compliance as soon as practical, and required each county to use a precinct-based optical scanner voting system on or before the November 2010 general election.
- Two counties, Pickett and Hamilton currently have optical scan machines.
- The deletion of these provisions from the Tennessee Voter Confidence Act will prevent the expenditure of Federal (HAVA) funds of \$25,000,000. Such funds were required to implement the precinct-based optical scanner voting system to replace the voting systems in 93 Tennessee counties that now use Direct Recording Electronic Voting machines (DREs).

- This estimate was based on approximately 2,500 precincts in Tennessee.
- Each precinct would need at least one scanner and one marking device for voters with disabilities. Scanner and marking devices cost approximately \$5,000 each. ( $\$5,000 \times 2 \text{ devices} = \$10,000 \text{ each precinct} \times 2,500 \text{ precincts} = \$25,000,000 \text{ statewide}$ ).
- According to the Coordinator of Elections, the cost avoidance to local government due to the removal of the requirement that counties change to an optical scan voting system to conduct elections is estimated to be \$11,674,837. This estimate is based on a survey that was conducted by the Coordinator's office to ascertain the overall financial impact to local government to implement the Voter Confidence Act. The survey was based on a 2010 election cycle which occurs every two years. This estimate represents the county savings calculated by 85 of the 95 counties in Tennessee.

### **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

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